

**OPINION
65-317**

September 8, 1965 (OPINION)

Mr. James R. Kittle

Director

North Dakota Park Service

RE: State Park Service - Appropriations - Revenues

This is in response to your request for an opinion on section 55-08-07(3), as amended by Chapter 359 of the 1965 Session Laws. Your specific question is may state park fund moneys be disbursed to reimburse expenditures made for park purposes on the following items if the requirements of section 57-08-07(1) have been fully met:

1. Salaries and wages;
2. Fees and services;
3. Supplies and materials; and
4. Equipment.

The amendments to the State Park Service and the State Historical Society laws were accomplished by Chapter 379. While the subject matter is found in one chapter, the contents deal separately with the State Historical Board and the North Dakota Park Service. Reference to this is only to illustrate that section 55-03-04 provides that all fees collected by the superintendent of the State Historical Board under the provisions of this chapter (379) shall be deposited in the revolving fund of the State Historical Board, but nevertheless it is dealing with the State Historical Board and its functions whereas section 55-08-07, which is also part of Chapter 379, concerns itself only with the State Park Service fund. Section 55-08-07, as is material here, provides as follows:

STATE PARK FUND. All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, shall be placed in the state park fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund shall be maintained by the state treasurer as a special trust fund and shall be used and disbursed solely for the following purposes:

1. To provide for the payment and security of the principal and interest when due on any state park revenue bonds issued pursuant to section 55-08-08. For this purpose the treasurer shall transfer from this fund to the revenue bond fund described in section 55-08-09, whenever necessary, so much of the revenues then on hand as may be required, or all thereof, if necessary, to produce a balance in the

revenue bond fund equal to the sum of the interest due and to become due within eighteen months plus the principal due and to become due within twenty-four months thereafter on all outstanding series of such bonds.

2. * * * *

3. For any park purpose for which funds have been appropriated by the legislative assembly to the North Dakota Park Service, in reimbursement of the funds expended pursuant to such appropriation, provided that no such reimbursement shall be made at any time when the balance in the revenue bond fund is less than specified in subsection 1 of this section 55-08-07."

Subsection 3 above refers to park purposes for which funds have been appropriated by the Legislative Assembly. The only appropriation made is found in Chapter 4, which makes an appropriation to both the State Historical Board and to the State Parks Committee. The appropriation to the State Parks Committee contains line items as follows: salaries and wages; fees and services; supplies and materials; and equipment and emergency.

It is presumed that the appropriation and expenditures thereunder are for park purposes. Thus any expenditure made under the line items for the State Parks Committee are deemed to be for park purposes and same can be reimbursed from the revenues collected under section 55-08-07, provided the state park fund will have a balance in an amount equal to the sum of the interest to become due within eighteen months, plus the principal to become due within twenty-four months, on all outstanding series of bonds issued under the provisions of Chapter 379.

It is therefore our opinion that the revenues collected under section 55-08-07 may be used to reimburse expenditures made from the appropriation contained in Chapter 4 for State Parks Committee, provided there will be a balance after making such reimbursement in an amount equal to the interest due or to become due within eighteen months, plus the amount equal to the principal due or to become due within twenty-four months thereafter, on all outstanding series of bonds issued under the provisions of Chapter 379.

HELGI JOHANNESON

Attorney General